



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,069	01/29/2007	Volker Kuz	HI09038USU (P02108US)	3566
34408 7590 02/23/2011 THE ECLIPSE GROUP LLP 6345 Balboa Blvd., Suite 325 Encino, CA 91316				
EXAMINER				
GU, YU				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
02/23/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JHH@ECLIPSEGRP.COM
USPTODocketing@eclipsegrp.com
mpn@eclipsegrp.com

Office Action Summary

Application No.

10/563,069

Applicant(s)

KUZ ET AL.

Examiner

YU (Andy) GU

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Applicant's amendment, filed on 1/13/2011, has been entered and carefully considered. Claims 15 and 24 have been amended. Accordingly, claims 1-24 are pending.
2. In view of Applicant's amendment, rejections of claims 15-24 under 35 USC § 112, second paragraph, are withdrawn.
3. In view of Applicant's amendment, objection to claim 24 is withdrawn.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 1-17, 19 and 21** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 11521586. Following conflicting claims are noted:

Claim 1 is rejected over claim 1 of copending Application No. 11521586.

Claim 2 is rejected over claim 3 of copending Application No. 11521586.

Claim 3 is rejected over claim 4 of copending Application No. 11521586.

Claim 4 is rejected over claim 1 of copending Application No. 11521586.

Claim 5 is rejected over claim 6 of copending Application No. 11521586.

Claim 6 is rejected over claim 8 of copending Application No. 11521586.

Claim 7 is rejected over claim 8 of copending Application No. 11521586.

Claim 8 is rejected over claim 9 of copending Application No. 11521586.

Claim 9 is rejected over claim 10 of copending Application No. 11521586.

Claim 10 is rejected over claim 11 of copending Application No. 11521586.

Claim 11 is rejected over claim 9 of copending Application No. 11521586.

Claim 12 is rejected over claim 13 of copending Application No. 11521586.

Claim 13 is rejected over claim 14 of copending Application No. 11521586.

Claim 14 is rejected over claim 15 of copending Application No. 11521586.

Claim 15 is rejected over claim 20 of copending Application No. 11521586.

Claim 16 is rejected over claim 21 of copending Application No. 11521586.

Claim 17 is rejected over claim 20 of copending Application No. 11521586.

Claim 19 is rejected over claim 24 of copending Application No. 11521586.

Claim 21 is rejected over claim 25 of copending Application No. 11521586.

Response to Arguments

6. Applicant's arguments filed on 1/13/2011 have been fully considered but they are not persuasive. Regarding claim 1, the Applicant submits that the claimed "*data connection*" is not disclosed by Grainer (see Applicant's remarks page 9). The Examiner respectfully disagrees. The instant claim language requires said data connection a) to be connected to an emergency call assistance center via the mobile communication b) and to transmit emergency information to the emergency call assistance center. The Examiner broadly reads any connection that carries data as a data connection, thereof, a voice connection which carries data (e.g. data concerning the running behavior of the vehicle coded in D.T.M.F) is a data connection. Grainer's disclosure teaches that data connection performing both a) and b). Claimed language does not require that the voice and data connections be separate and distinct. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 1, 3, 6-9, 11, 13, 15, 18-19, 21, 23 and 24** are rejected under 35 U.S.C. 102(e) as being anticipated by US 6711399 B1 Granier (hereinafter Granier). Regarding **claim 1**, Granier discloses *a method for transmitting an emergency call including emergency information from a vehicle using an mobile communication system, comprising:*

- *triggering an emergency call at the vehicle* (see at least column 2 lines 35-45),
- *establishing a data connection to an emergency call assistance center via the mobile communication system* (see at least column 3 lines 16-22 and column 5 lines 23-32),
- *transmitting emergency information to the emergency call assistance center using the data connection* (see at least column 2 lines 36-41),

- *establishing a first voice connection(i.e. vocal communication) to the emergency call assistance center via the mobile communication system (see at least column 2 lines 42-45),*
- *and transmitting a dual tone multi-frequency (DTMF) message including emergency information using the established first voice connection (see at least column 3 lines 16-22).*

Regarding **claim 3**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses:

- *determining whether the emergency information has been successfully transmitted to the emergency call assistance center (see at least column 2 lines 51-55),*
- *and transferring the first voice connection to an emergency assistant at the emergency call assistance center in case if the emergency information has been transmitted successfully (see at least column 6 lines 5-13),*
- *and establishing a second voice connection to a emergency call dispatch center via the mobile communication system if the emergency information has not been transmitted successfully (see at least column 1 lines 35-40).*

Regarding **claim 6**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *claim 1 further comprising testing the availability of the mobile communication system (see at least column 1 lines 27 -40, e.g. the availability of the communication system are tested by a confirmation receipt).*

Regarding **claim 7**, Granier discloses the limitations as shown in the rejection of **claim**

1 and **6**. Granier further discloses *where in testing the availability of the mobile communication system, a mobile terminal in the vehicle for transmitting the emergency information and the communication network of the communication system are tested for availability* (see at least column 1 lines 27 – 31).

Regarding **claim 8**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *where the emergency information transmitted using the data connection comprises a geographical position of the vehicle and an identification number of the vehicle* (see at least column 1 lines 27 – 31 and column 6 lines 4-7).

Regarding **claim 9**, Granier discloses the limitations as shown in the rejection of **claim**

1 and **8**. Granier further discloses *where the emergency information further comprises a timestamp of a generation of the emergency message, a vehicle descriptor, a breakdown status and additional information and parameters defined by an occupant of the vehicle* (see at least column 1 lines 45-49).

Regarding **claim 11**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *where the emergency information transmitted using the voice connection comprises a geographical position of the vehicle and an identification number (i.e. assigned telephone number) of the terminal transmitting the emergency information* (see at least column 1 lines 27 – 31 and column 6 lines 4-7).

Regarding **claim 13**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further discloses *the emergency call assistance center requesting emergency information from the vehicle via the mobile communication system* (see at least column 3 lines 23-26).

Regarding **claim 15**, Granier discloses *an emergency call device for transmitting an emergency call including emergency information from a vehicle using an mobile communication system, comprising:*

- *a triggering means for triggering an emergency call at the vehicle* (see at least column 3 lines 65-67, Figure 1 item 17b and 17c),
- *a communication terminal* (see at least Figure 1 item 9 and column 4 lines 20-34):
 - *means for establishing a data connection to an emergency call assistance center via the mobile communication system* (see at least Figure 1 item 9 and column 5 lines 66-67, column 6 lines 1-20),
 - *means for establishing a first voice connection to the emergency call assistance center via the mobile communication system* (see at least Figure 1 item 9, 11, 12 column 3 lines 13-15),
 - *means for transmitting emergency information to the emergency call assistance center using the data connection* (see at least Figure 1 item 9, 11, 12 column 3 lines 13-15),
 - *and means for transmitting a dual tone multi-frequency (DTMF) message including emergency information using the established first voice connection* (see at least Figure 1 item 9, 11, 12 column 3 lines 13-27).

Regarding **claim 18**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *a position determination means for determining a geographical position of the vehicle* (see at least column 1 lines 28-34).

Regarding **claim 19**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *processing means for forming emergency information* (see at least Figure 1 item 5, column 5 lines 66-67 and column 6 lines 5-20).

Regarding **claim 21**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *the processing means is adapted to form emergency information comprising a geographical position of the vehicle and an identification number of the vehicle* (see at least column 4 lines 53-56, Figure 1 item 5, column 5 lines 66-67 and column 6 lines 5-20).

Regarding **claim 23**, Granier discloses the limitations as shown in the rejection of **claim 15**. Granier further discloses *the triggering means is an emergency button or a sensor adapted to trigger an emergency call* (see at least column 6 lines 21-26).

Regarding **claim 24**, Granier discloses *the emergency call system for executing the method according to claim 15 comprising at least one emergency call device and an emergency call assistance center* as addressed in the rejections of claim 15.

9. **Claims 2 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20040203652 A1 Gao Yun (hereinafter Gao).

Regarding **claim 2**, Granier discloses the limitations as shown in the rejection of **claim 1**. Granier further discloses DTMF message transmitted via the first voice connection at emergency call assistance center (see at least column 3 lines 16-22). Granier is silent as to *detecting the end of the DTMF message*. However, Gao discloses detecting the end of DTMF coded message (see at least Gao paragraph [0035]). It would have been obvious to a person of ordinary skill in the art to modify Granier's invention in view of

Gao in order to put a mobile communication device into voice communication mode, as taught by Gao.

Regarding **Claim 16**, Granier discloses the limitations as shown in the rejections of **claim 15**. Granier is silent as to the limitations of **claim 16**. However, Gao discloses *means for determining the end of dual tone multi-frequency message transmitted through the first voice connection* (see at least Gao Figure 2 item 40 and paragraph [0035]). It would have been obvious to a person of ordinary skill in the art to modify Granier's invention in view of Gao in order to put a mobile communication device into voice communication mode, as taught by Gao.

10. **Claims 4** rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20020055350 A1 Gupte et al.(hereinafter Gupte)

Regarding **claim 4**, Granier discloses the limitations as shown in the rejection of **claim 1**. Granier is silent as to the limitation *where the data connection is a wireless application protocol (WAP) connection, and where in transmitting emergency information to the emergency call assistance center via the data connection the emergency information are transmitted in a request of an emergency call URL using the WAP connection*. However, Gupte, in the related art of wireless communication, discloses wherein data connection comprises a Wireless Application Protocol (WAP) connection (see at least Gupte paragraph [0007]), and where the transmitting act comprises transmitting the portion (i.e. event identifier) of an information in a request of a uniform resource locator (URL) using the WAP connection (see at least Granier paragraph [0029]). It would have been obvious to a person of ordinary skill in the art at

the time of the invention to modify Granier in view of Gupte by including the WAP communication mechanism because Gupte teaches that "the current wireless internet infrastructure offers very limited bandwidth", and that typical WAP applications uses only relatively small amount of bandwidth (see at least Gupte paragraph [0007]).

11. **Claims 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 4163218 A Wu (hereinafter Wu).

Regarding **claim 5**, Granier discloses the limitations as shown in the rejection of **claim 1**. Granier is silent as to the limitations of claim 5. However, Wu disclose an emergency alarm triggering mechanism comprising *initiating the counter* (the counter must be inherently initiated), *where the alarm* (i.e. analogous to a emergency call) *may be cancelled during an emergency call count* (e.g. if the counter doesn't count up to a predetermined number), *and where the emergency call is triggered after the emergency count reaches a predetermined threshold* (see at least Wu column 15 lines 29-36). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Wu in order to "prevent false triggering of the sensing element", as taught by Wu.

12. **Claims 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 6765495 B1 Dunning et al. (hereinafter Dunning).

Regarding **claim 10**, Granier discloses the limitations as shown in the rejection of **claim 1, 8 and 9**. Granier further discloses *where the at least a portion of the emergency information comprises a history of information related to a time period* (i.e. over a set of duration, see at least column 2 lines 25-29) *before an emergency*, *and where the history of information indicates a driving direction* (see at least column 2 lines 25-29 and lines

36-43) *of the vehicle*. Granier does not specifically disclose that *history of information tracks a steering of the vehicle, a level of deceleration of the vehicle, or a driving direction of the vehicle*. However, in the same field of endeavor, disclose Dunning discloses collecting information regarding the rate decelerating, steering wheel angle of a vehicle (see at least column 3 lines 11-16). It would have been obvious to a person of ordinary skill in the art at the time of the invention to adapt Dunning's teaching and apply it to Granier's invention because such information can be used as record by an insurance company.

13. **Claims 12 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20030009550 A1 Taylor et al. (hereinafter Taylor)

Regarding **claim 12**, Granier discloses the limitations as shown in the rejection of **claim**

1. Granier further disclose *transmitting a confirmation for the emergency information received from the emergency call assistance center* (see at least column 1 lines 33-40 column 2 lines 52-55). Granier is silent as to the limitation *synchronizing the portion of the emergency information received through the data connection and the first voice connection at the emergency call assistance center*. However, Taylor teaches a method for synchronizing of information (analogous to emergency call information) from different sources (e.g. data connection and voice connection) but caused by the same condition (see at least Taylor paragraph [0029]). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Taylor because "such information may have to be synchronized before it can be effectively used", as taught by Taylor.

Regarding **claim 22**, Granier discloses the limitations as shown in the rejection of **claim 19**. Granier is silent as to the limitation *where the processing means are further adapted to synchronize the emergency information received via the data connection and the first voice connection*. However, Taylor teaches a method for synchronizing of information (analogous to emergency call information) from different sources (e.g. data connection and voice connection) but caused by the same condition (see at least Taylor paragraph [0029]). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Taylor because "such information may have to be synchronized before it can be effectively used", as taught by Taylor.

14. **Claims 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 6154658 A Joseph Claude Caci (hereinafter Caci).

Regarding **claim 14**, Granier discloses the limitations as shown in the rejection of **claim 1**. Granier does not specifically disclose the limitations of **claim 14**. However, in the same field of endeavor, Caci teaches *informing at least one emergency call dispatch center of the emergency using the received emergency information* (see at least Caci abstract and column 22 lines 9-34). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Caci so that the emergency so that the dispatched response team the can be prepared with knowledge before arriving on the scene, as taught by Caci.

Regarding **Claim 17**, Grainer discloses the limitations as shown in the rejections of **claims 15 and 16**. Granier further discloses *means for transferring the first voice connection to the emergency call assistance center when the emergency information*

has been transmitted successfully (see at least Figure 1 item 9, and column 6 lines 5-20). Granier *further discloses a second voice connection means for establishing a second voice connection to a destination, when the emergency information has not been transmitted successfully* (see at least column 1 lines 35-40). Granier does not disclose that the second voice connection is designated for an emergency call dispatch center. However, in the same field of endeavor, Caci teaches a voice connection established with the emergency call dispatch center (i.e. 911). (See at least Caci abstract and column 22 lines 49-51). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Caci to have second voice connection established with a emergency dispatch center so that the dispatched response team the can be prepared with knowledge before arriving on the scene, as taught by Caci.

15. **Claims 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Granier in view of US 20030222782 A1 Gaudreau (hereinafter Gaudreau).

Regarding **claim 20**, Granier discloses the limitations as shown in the rejection of claim **15**. Granier is silent as to the limitations of claim 20. However, in an analogous art, Gaudreau discloses an alarm-triggering mechanism comprising a timer for controlling an alarm countdown during which an operator may cancel the triggered alarm (see at least Gaudreau paragraph [0010]). It would have been obvious to a person of ordinary skill in the art to modify Granier in view of Gaudreau in order to prevent false triggering of emergency calls.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YU (Andy) GU whose telephone number is (571)270-7233. The examiner can normally be reached on Mon-Thur 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 5712727922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YU (Andy) GU/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617